

AB:RJN/MT
F.#2009R00195

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ALICIA DIMICHELE,
also known as "Alicia
Garofalo,"
EDWARD GAROFALO, JR.,
also known as
"Bobbie" and
"Tall Guy,"
MICHAEL J. PERSICO,
THEODORE N. PERSICO, JR.,
also known as
"Skinny" and
"Teddy,"
THOMAS PETRIZZO,
ANTHONY PREZA,
LOUIS ROMEO and
MICHAEL D. SCIARETTA,
Defendants.

L I M I T E D
U N S E A L I N G
A P P L I C A T I O N

Cr. No. 10-147 (S-1) (SLT)

Defendants.

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The UNITED STATES OF AMERICA, by Assistant United States Attorney Rachel Nash, herein applies for an Order authorizing the disclosure of the orders, applications, affidavits, periodic reports prepared in connection with such orders, applications and affidavits, and intercepted communications set forth below to: (1) the United States Attorney's Office for the Eastern District of New York, and the federal agents participating in the investigation and prosecution of the above-captioned matter and (2) after review by

the United States Attorney's Office for the Eastern District of New York, to defense counsel in the above-captioned matter:

| Date of Authorization (Judge/Court) | Facility Intercepted |
|--|---|
| March 18, 1992 (Hon. Edward Rafeedie) | Oral Communications within the premises known and described as the Visitor Rooms consisting of (1) the main visitor's room located at the main prison building and (2) a visitor's room specially designed and located to accommodate inmates housed in the Special House Unit, both located at the U.S. Penitentiary Lompoc, Lompoc, California. |
| February 14, 1992 (Hon. Edward Rafeedie) | Oral Communications within the premises known and described as the Visitor Rooms consisting of (1) the main visitor's room located at the main prison building and (2) a visitor's room specially designed and located to accommodate inmates housed in the Special House Unit, both located at the U.S. Penitentiary Lompoc, Lompoc, California. |
| January 10, 1992 (Hon. Edward Rafeedie) | Oral Communications within the premises known and described as the Visitor Rooms consisting of (1) the main visitor's room located at the main prison building and (2) a visitor's room specially designed and located to accommodate inmates housed in the Special House Unit, both located at the U.S. Penitentiary Lompoc, Lompoc, California. |
| December 11, 1991 (Hon. Edward Rafeedie) | Oral Communications within the premises known and described as the Visitor Rooms consisting of (1) the main visitor's room located at the main prison building and (2) a visitor's room specially designed and located to accommodate inmates housed in the Special House Unit, both located at the U.S. Penitentiary Lompoc, Lompoc, California. |

In support of this Application, the UNITED STATES OF AMERICA represents as follows:

1. The undersigned is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. On or about the dates listed above, the Honorable Edward Rafeedie, United States District Judge for the Central District of California, authorized the interception of communications occurring within the premises known and described as the Visitor Rooms consisting of (1) the main visitor's room located at the main prison building and (2) a visitor's room specially designed and located to accommodate inmates housed in the Special House Unit, both located at the U.S. Penitentiary Lompoc, Lompoc, California. Among the listed subject interceptees was Michael Persico, a defendant in the above-captioned matter.

3. In order to comply with the government's discovery obligations and to provide for the orderly and speedy reproduction of discovery materials in the above-captioned matter, we seek authorization to review copies of the orders, applications, affidavits, periodic reports prepared in connection with such orders, applications and affidavits, and intercepted communications, and to provide copies of the relevant orders,

applications, affidavits, periodic reports prepared in connection with such orders, applications and affidavits, and intercepted communications, to defense counsel.¹

WHEREFORE, the UNITED STATES OF AMERICA respectfully requests that the Court issue an Order granting this Application.

Dated: Brooklyn, New York
May __, 2011

/s/ Rachel Nash
Rachel Nash
Assistant U.S. Attorney
Eastern District of New York

^{1/} Section 2518(9) of Title 18, United States Code, requires that the government furnish defense counsel with copies of the orders, applications and affidavits prior to offering any recordings in evidence at any trial, hearing, or other proceeding.